IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 19003 of 2005

Between:

Smt. K. Geervanamma W/o. K. Rameswaraiah
R/o. Ratana Village, Tuggali Mandal, Kurnool District,

..... PETITIONER

AND

1 The Joint Collector, Kurnool District,
2 The Revenue Divisional Officer, Adoni, Kurnool District,
3 The Mandal Revenue Officer, Tuggali, Kurnool District,
4 Mandal Revenue Inspector, Tuggali, Kurnool District,

.....RESPONDENTS

The Court made the following:

ORDER:

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Challenging the proceedings of the second respondent-Revenue Divisional Officer, Adoni, Kurnool District in Rc.M.No.675/2005, dated 11.07.2005 in suspending the fair price shop dealership of the petitioner for a period of three months, as confirmed by the Joint Collector, Kurnool-Appellate Authority vide proceedings RC.CS/3/438/2005, dated 17.08.2005, the present writ petition is filed by the petitioner.

The learned counsel for the petitioner contends that the order impugned is passed without there being any enquiry and no opportunity whatsoever has been given to the petitioner, that the order passed is not an order pending enquiry, that the punishment imposed against the petitioner is a substantive punishment and that therefore the same is liable to be set aside.

On the other hand, the learned Government Pleader for Civil Supplies appearing on behalf of the respondents contends that the suspension is only for a period of three months and that therefore it does not require any interference.

A perusal of the impugned proceedings shows that the Mandal Revenue Officer, Tuggali, Kurnool District conducted an enquiry and submitted a report to the second respondent-Revenue Divisional Officer, Adoni, Kurnool District and basing on the said report, the fair price shop dealership of the petitioner has been suspended for a period of three months. It is also mentioned that against the order of the 2nd respondent an appeal lies to the Joint Collector, Kurnool within 30 days from the date of the order. The impugned proceedings does not indicate that it is a suspension pending enquiry. The Joint Collector, Kurnool, by his proceedings in RC.Cs3/438/2005, dated 17.08.2005 also confirmed the same.

Since no opportunity was given to the petitioner before suspending his dealership for a period of three months and since it is not a suspension pending enquiry, apparently the principles of natural justice have been violated. Therefore, the impugned order suffers from legal infirmities i.e. not affording a reasonable opportunity to the petitioner. Hence, the impugned order is liable to be set aside.

In the result, the writ petition is allowed and the impugned order is set aside. However, it is made clear that this order does not preclude the respondents in passing appropriate orders in accordance with the A.P. Public Distribution System Control Order, 2001. No order as to costs.

(K.C. BHANU, J)

Date: 29.08.2005.

Note: Issue wire at party's cost.

B.O.

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